

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant(s): HOISKO et al.

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ART UNIT:

TITLE: METHOD AND SYSTEM FOR EXPRESSING AFFECTIVE STATE IN  
COMMUNICATION BY TELEPHONE

ATTORNEY DOCKET NO.: 413-010737-US(PAR)

Commissioner of Patents

Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Dear Sir:

Please amend the above-identified, enclosed patent application as follows:

**IN THE SPECIFICATION:**

On page 12, after the heading “**Claims**”, please insert the following:

What is claimed is:

**IN THE CLAIMS**

Please amend Claims 1 through 31 as rewritten below:

1. (Amended) A method for expressing an affective state of the caller and/or called party to the conversation partner in communication by telephone, where the caller and called party send each other messages wherein during the communication, the recipient of a message hears a musical composition representing the affective state of the sender of the message.

2. (Amended) A method according to claim 1 wherein the messages of the caller and called party are speech messages.
3. (Amended) A method according to claim 1 wherein the communication takes place in a system comprising equipment of an operator switching calls and in which system at least one phone is a cellular phone.
4. (Amended) A method according to claim 3 wherein the phone of the caller is a cellular phone and that the musical composition is attached to the message sent by the caller in the caller's cellular phone.
5. (Amended) A method according to claim 4 wherein the musical composition is transferred together with the message on the same audio channel from the cellular phone of the caller to the phone of the called party.
6. (Amended) A method according to claim 3 wherein the phone of the called party is a cellular phone and that the musical composition is attached to the message sent by the caller in the cellular phone of the called party.
7. (Amended) A method according to claim 6 wherein there is transferred from the cellular phone of the caller to the cellular phone of the called party an identifier on the basis of which the musical composition is selected.
8. (Amended) A method according to claim 7 wherein the identifier specifies the name of the musical composition.
9. (Amended) A method according to claim 7 wherein the identifier specifies the affective state of the caller.
10. (Amended) A method according to claim 3 wherein the musical composition is attached to the message sent by the caller in the equipment of the operator switching the call.
11. (Amended) A method according to claim 10 wherein there is transferred from the cellular phone of the caller to the operator an identifier on the basis of which the musical composition is selected.
12. (Amended) A method according to claim 11 wherein the identifier specifies the name of the musical composition.
13. (Amended) A method according to claim 11 wherein the identifier specifies the affective state of the caller.

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14. (Amended) A method according to claim 3 wherein the phones of the caller and called party are cellular phones and from the cellular phone of the caller to the cellular phone of the called party there is sent a file which contains a musical composition stored in electric form.
15. (Amended) A method according to claim 14 wherein the musical composition is set to be played on the cellular phone of the called party.
16. (Amended) A method according to claim 14 wherein the musical composition is set to be played on a separate sound reproducing apparatus connected to the cellular phone of the called party.
17. (Amended) A system for expressing an affective state of a caller and/or called party to the conversation partner in communication by telephone, where the caller and called party send each other messages, which system comprises at least one cellular phone and the equipment of an operator switching calls, wherein the system further comprises a directory storing musical compositions representing various affective states and a menu for selecting musical compositions in the directory.
18. (Amended) A system according to claim 17 wherein the musical compositions are stored in the directory in electric form.
19. (Amended) A system according to claim 17 wherein the musical compositions are stored in the directory in the form of midi or mp3 files.
20. (Amended) A system according to claim 17 wherein the directory is in the cellular phone of the caller.
21. (Amended) A system according to claim 17 wherein the directory is in the cellular phone of the called party.
22. (Amended) A system according to claim 17 wherein the directory is in the equipment of the operator.
23. (Amended) A system according to claim 17 wherein the menu is arranged to be at least in the cellular phone of the caller.
24. (Amended) A system according to claim 17 wherein the system further comprises an automatic state of mind recognizer.

25. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer is arranged to be in the cellular phone of the caller.

26. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer is arranged to be in the cellular phone of the called party.

27. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer includes a set of sensors measuring the bodily functions of the user of the phone and a decoding device which processes the measurement results produced by the sensors.

28. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer includes an EMG sensor for measuring the tension of neck muscles.

29. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer includes a respiration sensor for measuring the respiration rate and depth of breathing.

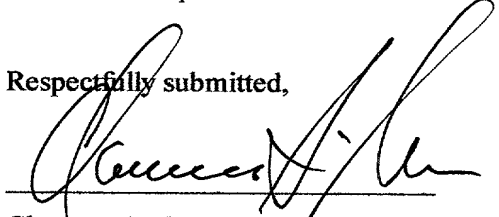
30. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer includes a GSR sensor for measuring the electrical conductivity of skin.


31. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer includes a BVP sensor for measuring the blood flow rate.

### REMARKS

In accordance with 37 C.F.R. §1.121 (as amended on 11/7/2000) the rewritten claim(s) above are shown on separate page(s) marked up to show all the changes relative to the previous version of that section.

Respectfully submitted,

  
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Application entitled: METHOD AND SYSTEM FOR EXPRESSING AFFECTIVE STATE IN COMMUNICATION BY TELEPHONE

MARKED UP CLAIM(S)

1. (Amended) A method for expressing an affective state (20a, 20b, ..., 20n) of the caller (32) and/or called party (34) to the conversation partner in communication by telephone, where the caller and called party send each other messages (60) wherein during the communication, the recipient of a message hears a musical composition (10a, 10b, ..., 10n) representing the affective state of the sender of the message.
2. (Amended) A method according to claim 1 wherein the messages (60) of the caller (32) and called party (34) are speech messages.
3. (Amended) A method according to claim 1 wherein the communication takes place in a system comprising equipment of an operator (36) switching calls and in which system at least one phone is a cellular phone (33, 35).
4. (Amended) A method according to claim 3 wherein the phone of the caller (32) is a cellular phone (33) and that the musical composition (10a, 10b, ..., 10n) is attached to the message (60) sent by the caller in the caller's cellular phone.
5. (Amended) A method according to claim 4 wherein the musical composition (10a, 10b, ..., 10n) is transferred together with the message (60) on the same audio channel from the cellular phone (33) of the caller (32) to the phone of the called party (34).
6. (Amended) A method according to claim 3 wherein the phone of the called party (34) is a cellular phone (35) and that the musical composition (10a, 10b, ..., 10n) is attached to the message (60) sent by the caller (32) in the cellular phone of the called party.
7. (Amended) A method according to claim 6 wherein there is transferred from the cellular phone (33) of the caller (32) to the cellular phone (35) of the called party (34) an identifier (64) on the basis of which the musical composition (10a, 10b, ..., 10n) is selected.

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FOOTNOTES

8. (Amended) A method according to claim 7 wherein the identifier (64) specifies the name (11a, 11b, ..., 11n) of the musical composition (10a, 10b, ..., 10n).
9. (Amended) A method according to claim 7 wherein the identifier (64) specifies the affective state (20a, 20b, ..., 20n) of the caller (32).
10. (Amended) A method according to claim 3 wherein the musical composition (10a, 10b, ..., 10n) is attached to the message (60) sent by the caller (32) in the equipment of the operator (36) switching the call.
11. (Amended) A method according to claim 10 wherein there is transferred from the cellular phone (33) of the caller (32) to the operator (36) an identifier (64) on the basis of which the musical composition (10a, 10b, ..., 10n) is selected.
12. (Amended) A method according to claim 11 wherein the identifier (64) specifies the name (11a, 11b, ..., 11n) of the musical composition (10a, 10b, ..., 10n).
13. (Amended) A method according to claim 11 wherein the identifier (64) specifies the affective state (20a, 20b, ..., 20n) of the caller (32).
14. (Amended) A method according to claim 3 wherein the phones of the caller (32) and called party (34) are cellular phones (33, 35) and from the cellular phone of the caller to the cellular phone of the called party there is sent a file (80) which contains a musical composition (10a, 10b, ..., 10n) stored in electric form.
15. (Amended) A method according to claim 14 wherein the musical composition (10a, 10b, ..., 10n) is set to be played on the cellular phone (35) of the called party (34).
16. (Amended) A method according to claim 14 wherein the musical composition is set to be played on a separate sound reproducing apparatus (82) connected to the cellular phone (35) of the called party (34).
17. (Amended) A system for expressing an affective state of a caller (32) and/or called party (34) to the conversation partner in communication by telephone, where the caller and called party send each other messages (60), which system comprises at least one cellular phone (33, 35) and the equipment

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of an operator (36) switching calls, wherein the system further comprises a directory (30) storing musical compositions (10a, 10b, ..., 10n) representing various affective states (20a, 20b, ..., 20n) and a menu (28) for selecting musical compositions in the directory.

18. (Amended) A system according to claim 17 wherein the musical compositions (10a, 10b, ..., 10n) are stored in the directory (30) in electric form.

19. (Amended) A system according to claim 17 wherein the musical compositions (10a, 10b, ..., 10n) are stored in the directory (30) in the form of midi or mp3 files.

20. (Amended) A system according to claim 17 wherein the directory (30) is in the cellular phone (33) of the caller (32).

21. (Amended) A system according to claim 17 wherein the directory (30) is in the cellular phone (35) of the called party (34).

22. (Amended) A system according to claim 17 wherein the directory (30) is in the equipment of the operator (36).

23. (Amended) A system according to claim 17 wherein the menu (28) is arranged to be at least in the cellular phone (33) of the caller (32).

24. (Amended) A system according to claim 17 wherein the system further comprises an automatic state of mind recognizer (40).

25. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer (40) is arranged to be in the cellular phone (33) of the caller (32).

26. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer (40) is arranged to be in the cellular phone (35) of the called party (34).

27. (Amended) A system according to claim 24 wherein the automatic state of mind recognizer (40) includes a set of sensors (42, 44, 46, 48) measuring the bodily functions of the user of the phone and a decoding device (50) which processes the measurement results produced by the sensors.

28. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer (40) includes an EMG sensor (42) for measuring the tension of neck muscles.

29. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer (40) includes a respiration sensor (44) for measuring the respiration rate and depth of breathing.

30. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer (40) includes a GSR sensor (46) for measuring the electrical conductivity of skin.

31. (Amended) A system according to claim 27 wherein the automatic state of mind recognizer (40) includes a BVP sensor (48) for measuring the blood flow rate.